IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE T.Ch.SURYA RAO

WRIT APPEAL NO : 1035 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/04/2005 in WP NO : 8853 OF 2005 on the file of the High Court.)

Between:

M.Yoga Narasimham, s/o M.V.M.Gopalacharyulu,Occ: Accounts Officer (Expdr.) U/s O/o Superintending Engineer, Operation, APSPDCL, Vijayawada.

..... APPELLANT

AND

1 The Chairman and Managing Director, APSPDCL, Thirupathi.
2 The Enquiry Officer and Chief General Manager/Expr. APSPDCL,

Thirupathi.

.....RESPONDENTS

Counsel for the Appellant : Mr.M.Yoga Narasimham, PARTY-IN-PERSON

Counsel for the Respondents: MR.KISHORE SAMINENI (SC FOR AP TRANSCO)

The Court at the stage of admission, made the following :

JUDGMENT: **(per the Hon'ble Sri Justice T.Ch.Surya Rao)**

The instant Writ Appeal is directed against the Order dated 21.04.2005 in Writ Petition No.8853 of 2005.

The appellant-writ petitioner approached this Court invoking the extraordinary jurisdiction as against the show-cause notice whereunder and whereby he was suspended pending departmental enquiry. The departmental enquiry is half through and even by the date of passing of the impugned order, one witness was examined. Notwithstanding the stage at which the enquiry lies, having considered the matter and on the ground that the writ petitioner had not shown any violation of principles of natural justice nor any lack of jurisdiction on the part of the authorities, which instituted the departmental enquiry and which was proceeding with the departmental enquiry, the learned single Judge dismissed the writ petition under the impugned order.

After having considered the material on record and showing our anxious consideration to it, we are of the considered view that the learned Judge has rightly considered the matter now being impugned before us. Since it is a case where no lack of jurisdiction has been shown on the part of the authority which passed the suspension order, nor it is a case where even the violation of principles of natural justice has been shown, and since this Court in umpteen number of cases has already held that it is not desirable to interfere with the matters at the stage of suspension, the appellant cannot maintain the Writ Petition. The petitioner however can approach this Court or the appropriate authority as is provided under law after

the culmination of the departmental enquiry, if he is felt aggrieved by the orders passed. Such a remedy is still available to him. Therefore, we see no grounds to interfere with the considered order passed by the learned single Judge.

For the above reasons, the Writ Appeal fails and is dismissed.

(V.ESWARAIAH, J)

(T.Ch.SURYA RAO, J)

Dt: 24.05.2005

bsv/lvl

To

1 The Chairman and Managing Director, APSPDCL, Thirupathi.
2 The Enquiry Officer and Chief General Manager/Expr. APSPDCL,

Thirupathi.

3 Two CD copies